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TAGS: [PGOV](#) [KDEM](#) [PBTS](#) [RS](#) [MD](#)  
SUBJECT: SPEAKER LUPU DEFENDS ELECTION LAW  
PROVISIONS

Classified By: Charge d'Affaires Kelly A.  
Keiderling for reasons 1.4(b) and (d)

¶1. (C) Summary: In his first official meeting with the Ambassador on October 6, Parliamentary Speaker Marian Lupu said he expected that the upcoming (and last) session of the Parliament would review economic legislation and monitor implementation of judicial reform, but would leave the January 2008 modifications of the electoral law untouched. Lupu defended that law's decisions on raising the parliamentary threshold from 4 to 6 percent, not permitting dual citizenship and on not permitting electoral blocs. The date for the 2009 elections had not yet been set, but would likely take place in March or April unless there was significant progress immediately in the Transnistrian settlement process. (As the President's mandate would expire in April, any extension of the Parliament until June would be complicated by the lack of an appropriate law permitting extension of a President's term.) Lupu reiterated his earlier promise that Moldova would not sign the Rome Treaty until it had concluded a bilateral Article 98 agreement with the U.S. End summary.

Pre-electoral Parliamentary Work  
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¶2. (C) Lupu explained that this session would be the last of the legislative body. Lupu said he had the responsibility of keeping the Parliament focused on its legislative agenda, without allowing the body to become dysfunctional and bogged down in pre-electoral political debates. The Parliament needed to adopt the state budget for next year, monitor the implementation of judicial-reform laws, and assess the results of the Guillotine Act, which had made "impressive" amendments to some 100 laws to create an improved investment climate.

Parliament Unlikely to Modify Election Law Again  
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¶3. (C) The Parliament had introduced amendments to the election law in January 2008 and was unlikely to make any further amendments, Lupu said, as under Moldovan law no major changes were permitted within six months of the elections. The last amendments were sent to the Venice Commission for expert commentary, and Lupu said he was expecting a reply in October or November. A problem would arise he said, if the Commission were to make significant recommendations too close to the electoral deadline.

14. (C) Lupu defended the Parliament's often-criticized decision to raise the threshold for obtaining parliamentary seats from four to six percent of votes. Moldova's previous electoral experience had shown that parties that successfully won seats in the Parliament generally received more than seven percent of the ballot, while those that failed got less than four percent. Thus, argued Lupu, the higher threshold was unlikely to have any practical impact on the electoral outcome.

15. (C) Another controversial item in the January 2008 electoral amendments was the provision banning dual citizenship, which Lupu suggested posed no problem. The law placed no restrictions upon the ability of citizens to participate in elections or run as candidates, he said. Instead, it required only that, if elected, someone with dual citizenship should publicly declare that he had made a formal written request to the other country, asking to renounce his second citizenship. Lupu noted that no legal requirement existed for the other country to take any action. When drafting the law, parliamentarians expected that "certain" other countries would indeed take no action. Renunciation need not be done before running for office, clarified Lupu, only if elected.

16. (C) Lupu said he had supported the decision that the electoral law not permit parties to run

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in pre-electoral blocs during the elections. Moldova had too many small, weak parties. Society needed greater commitment and continuity. In the past fifteen years, he argued, small parties had not managed to either organize themselves successfully or merge with others to create stable political parties. It was appropriate to have a legal framework to encourage the process of party consolidation. Since adoption of the January 2008 requirement, he noted, some parties had indeed merged to create bigger, more serious parties. Ideally, he opined, Moldova should have four, five or six parties, all with real professional potential.

#### Problems in Setting Election Date

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17. (C) Lupu noted that the Parliament had not yet discussed the date for elections. The date would largely depend upon the Transnistrian negotiations. If discussions progressed to a point where there was a real possibility of a settlement, it would make sense to extend the mandate of the Parliament in order to allow the current body to debate and adopt the necessary laws deriving from a settlement. If, on the other hand, the Transnistria talks were not promising, it would be better to set the elections for March or April and leave the task of a settlement to the next government.

18. (C) While Moldovan law provided for the possibility of extending the term of the Parliament for up to 90 days after its expiration on March 15 (i.e., until June 15), Lupu noted that a contradiction existed with respect to legislation concerning the term of the President. As the President was elected in April, his mandate would expire that month, with no legal provision for the extension of his mandate.

Expiration of the presidential mandate in April would complicate any attempt to prolong the Parliament's activities until June. Lupu somewhat pessimistically expressed his doubts that Transnistrian talks would make significant progress in the coming months. He thought elections would most likely take place in March or April.

#### Perceptions of Fair Elections are Important

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¶9. (C) The Ambassador stressed the importance of perceptions that the electoral process was carried out properly. Freedom of the press and access to the media would be watched closely, he said, noting that there have been some problems, such as with Pro TV and Sun Communications.

¶10. (C) In discussing the name "Party of Communists," Lupu said that earlier he had favored changing the party's name. Now, before the elections, it was too late to change the "brand name." Lupu believed that after the elections, renaming the party could be addressed.

#### Russian Position on Transnistria Not Unified

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¶11. (C) Lupu said that he believed Tiraspol was carrying out orders coming from Moscow, but that Transnistria did not appear to be doing so 100 percent. However, he noted, the Russian position itself was not unified; there were distinct voices with different views. Lupu said he did not rule out the possibility that Moscow was merely playing a game, acting as if it were making efforts, but avoiding any progress.

¶12. (C) Lupu said that a Transnistria settlement should lead to a well-functioning unified state, not to a dysfunctional rigid political system that could be paralyzed at any time. The final document should focus on the delineation of powers and functions, rather than on whether the resulting state was to be called a federation or a confederation, Lupu added.

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#### Lupu Reiterates Rome Treaty/Article 98 Promise

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¶13. (C) The parliamentary speaker reiterated to Ambassador Chaudhry the promise he had made earlier to Ambassador Kirby, that Moldova's Parliament would not ratify the Rome Treaty until a bilateral Article 98 agreement was signed with the United States. That was why Parliament had sat on the Rome Treaty for a year, and not voted on it, Lupu explained. The Europeans were pressing Parliament to sign the Rome Treaty, but Lupu said he would abide by his commitment to the Embassy.

#### Comment

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¶14. (C) The parliamentary speaker has often been suggested as a possible successor to Voronin. He is relatively young and reform-minded and is generally viewed as a smart and efficient technocrat. He is quite personable, and has genuine public charisma. Opposition parties like the moderate and reasonable Lupu and could live with him as the President, despite his membership

in the Party of Communists. However, the keys to the presidential nomination are in President Voronin's hands, and the two have a rocky relationship. Earlier this year rumors surfaced that President Voronin wanted to remove Lupu from the Speaker's position. Lupu calculated then that he had the two-thirds majority needed to stay in his position. The competition with Voronin died down, and Lupu remained within the Party of Communists.

KEIDERLING